

# DIRECTIVE

## JOB TRAINING PARTNERSHIP ACT

Number: D98-16

Date: March 11, 1999  
69:75:va:2465

TO: SERVICE DELIVERY AREA ADMINISTRATORS  
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS  
JTPD PROGRAM OPERATORS  
EDD JOB SERVICE OFFICE MANAGERS  
JTPD STAFF

SUBJECT: WAIVER OF STATE PROCUREMENT REQUIREMENT

### EXECUTIVE SUMMARY:

#### Purpose:

This directive is to transmit direction regarding the procurement of subrecipients.

#### Scope:

This directive applies to all Service Delivery Areas (SDA) and other Job Training Partnership Act (JTPA) subrecipients.

#### Effective Date:

This directive is effective January 1, 1999.

### REFERENCES:

- JTPA Section 104(b)(11)(A)
- 20 Code of Federal Regulations 627.422(b)
- JTPA Directive D97-6, September 11, 1997

### STATE-IMPOSED REQUIREMENTS:

This directive waives a state-imposed requirement.

### FILING INSTRUCTIONS:

This directive finalizes draft directive DD-11, issued for comment on January 26, 1999. Retain this directive until further notice.

**BACKGROUND:**

The JTPA Directive D97-6 established a state-imposed requirement that subrecipient procurements be conducted at least every three years. The requirement was implemented to ensure that JTPA subrecipients were selected through free and open competition.

The Request for Proposal (RFP) is an extensive and costly process, usually resulting in multiple year contracts. Many SDAs are nearing the end of current subrecipient contracts and would be required to conduct the process for only one year, because the JTPA sunsets on June 30, 2000.

**POLICY AND PROCEDURES:**

Services provided by subrecipients whose contracts expire on or after January 1, 1999, may continue to provide services. Contracts that provide for extensions may be extended or new contracts may be written to continue the services. The terms and conditions should remain substantially the same. Prior to issuing new contracts, the SDA should evaluate and document the performance of the subrecipient as required by federal "demonstrated performance" requirements. If performance is not satisfactory, contracts should not be extended nor should new contracts be issued.

While this directive waives the requirement that SDAs conduct subrecipient procurements at least every three years, an SDA may conduct an RFP process to select new subrecipients.

The JTPA program services may not be provided after June 30, 2000; all contracts for participant services must end on that date.

**ACTION:**

Bring this directive to the attention of all affected staff and all subrecipients.

**INQUIRIES:**

If you have any questions about the information contained in this directive, please contact your program manager at (916) 654-7799 or Jean Cole of the Policy Unit at (916) 654-8284.

/S/ BILL BURKE  
Assistant Deputy Director